

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND ALFORD BRADFORD,

No. 2:20-cv-0744 KJM DB P

Petitioner,

v.

ORDER

UNKNOWN,

Respondent.

Petitioner, a state prisoner proceeding pro se, has filed a “petition for extraordinary writ of mandamus.” The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 18, 2020, the magistrate judge filed findings and recommendations. ECF No. 7. The magistrate judge interpreted Mr. Bradford’s petition as petition for habeas corpus under 28 U.S.C. § 2254 and recommended dismissal because Mr. Bradford was challenging the conditions of his confinement, not attacking his confinement itself. *Id.* at 2–3. The magistrate judge also recommended against converting this action to a civil rights lawsuit under 42 U.S.C. § 1983 because doing so might subject Mr. Bradford to a filing fee he was unwilling to pay and might lead to a “strike” against any future requests he might make to proceed in forma pauperis under 28 U.S.C. § 1915(g). *See id.* at 3.

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1 Mr. Bradford objected to these findings and recommendations. ECF No. 8. He argued
2 that the magistrate judge had incorrectly interpreted his petition and reaffirmed that he had indeed
3 intended to file a “petition for an extraordinary writ of mandamus.” *Id.* at 1.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
5 court has conducted a *de novo* review of this case. This court cannot issue an “extraordinary writ
6 of mandamus,” which is a form of relief issued by an appellate court. *See generally, e.g.,*
7 *Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). To the extent Mr. Bradford seeks that
8 relief, his petition is DISMISSED without leave to amend. But if Mr. Bradford intends to
9 challenge the conditions of his confinement in a future civil rights action under 42 U.S.C. § 1983,
10 this order does not preclude him from doing so.

11 IT IS SO ORDERED.

12 || DATED: September 30, 2020.

CHIEF UNITED STATES DISTRICT JUDGE